

APPEAL

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:04-cv-10386-MLW**

Davis v. Old Colony Correctional Center
Assigned to: Chief Judge Mark L. Wolf
Cause: 28:2254 Petition for Writ of Habeas Corpus (State)

Date Filed: 02/26/2004
Jury Demand: None
Nature of Suit: 530 Habeas Corpus
(General)
Jurisdiction: Federal Question

Petitioner

Grayling Davis

represented by **David B. Mark**
74 Baker St.
Warren, RI
401-247-4449
Fax: 401-247-4413
Email: dbmark@ix.netcom.com
TERMINATED: 03/25/2004
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James M. Fox
Suite 300
84 State Street
Boston, MA 02109
617-227-0075
Fax: 617-742-1769
Email: attorneyjamesfox@mac.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Bernard Brady
*Superintendent, Old Colony
Correctional Center*

represented by **Daniel I. Smulow**
Office of the Attorney General
One Ashburton Place
18th Floor
Boston, MA 02108
617-727-2200
Fax: 617-727-5755
LEAD ATTORNEY











V.

Respondent

Old Colony Correctional Center

represented by **Daniel I. Smulow**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Natalie S Monroe
 Attorney General's Office
 One Ashburton Place
 Boston, MA 02108
 617-727-2200 X 2833
 Fax: 617-727-5755
TERMINATED: 03/17/2005

Date Filed	#	Docket Text
02/26/2004	 1	PETITION for writ of habeas corpus pursuant to 28:2254 § 5, receipt number 54142, filed by Grayling Davis(Boyce, Kathy) (Entered: 03/01/2004)
02/26/2004	 2	NOTICE of Appearance by David B. Mark on behalf of Grayling Davis, FILED. (Boyce, Kathy) (Entered: 03/01/2004)
03/25/2004	 3	NOTICE of Withdrawal of Appearance Attorney David B. Mark terminated. FILED, c/s. (Boyce, Kathy) (Entered: 04/02/2004)
05/03/2004	 4	NOTICE of Appearance by James M. Fox on behalf of Grayling Davis, FILED, c/s. (Boyce, Kathy) (Entered: 05/12/2004)
06/16/2004	 5	Letter dated June 14, 2004 from James M. Fox to Judge Wolf stating that he intends to file a supporting memorandum and, if appropriate, amend the habeas petition, FILED. (Boyce, Kathy) (Entered: 06/23/2004)
06/21/2004	 6	Judge Mark L. Wolf : ORDER entered: It is hereby ORDERED that the respondents shall, within twenty days of the receipt of this Order, file an answer or otherwise responsive pleading to the Petition....cc/cl.(Boyce, Kathy) (Entered: 06/28/2004)
06/25/2004	 7	Judge Mark L. Wolf : ORDER entered ELECTRONIC ENDORSEMENT re 5 Letter/request (non-motion)Allowed. Any motion to amend shall be filed by 8/16/04 with supporting memorandum. (O'Leary, Dennis) (Entered: 06/25/2004)
08/05/2004	 7	MOTION for Extension of Time to 60 Days to Amend the 2254 Petition, by Grayling Davis, FILED, c/s.(Boyce, Kathy) (Entered: 08/06/2004)
08/05/2004	 8	AFFIDAVIT of Atty Fox in Support of MOTION for Extension of Time to 60 Days to Amend Electronic Endorsement (non-order) filed by Grayling Davis (Boyce, Kathy) (Entered: 08/06/2004)
08/05/2004	 9	CERTIFICATE OF SERVICE by Grayling Davis re 7 MOTION for Extension of Time to 60 Days to Amend. (Boyce, Kathy) (Entered: 08/06/2004)

08/12/2004	10	MOTION for Extension of Time to 30 days after the Court rules on the petitioner's motion to amend his habeas corpus petition to answer or otherwise respond to the petitioner's petition for a writ of habeas corpus by Old Colony Correctional Center.(Monroe, Natalie) (Entered: 08/12/2004)
08/13/2004	9	Judge Mark L. Wolf : Electronic ORDER entered granting 7 Motion for Extension of Time to Amend, granting 10 Motion for Extension of Time (O'Leary, Dennis) (Entered: 08/13/2004)
09/28/2004	11	Second MOTION for Extension of Time to December 4, 2004 to Amend 2254 <i>Petition and Memorandum</i> by Grayling Davis.(Fox, James) (Entered: 09/28/2004)
10/22/2004	8	Judge Mark L. Wolf : Electronic ORDER entered granting 11 Motion for Extension of Time to Amend. The amended petition shall be filed by 12/1/2004. (O'Leary, Dennis) (Entered: 10/25/2004)
11/29/2004	12	MEMORANDUM OF LAW by Grayling Davis to 1 Petition for writ of habeas corpus (28:2254). (Fox, James) (Entered: 11/29/2004)
01/05/2005	13	Assented to MOTION for Extension of Time to March 4, 2005 to respond to the petition for a writ of habeas corpus by Old Colony Correctional Center.(Monroe, Natalie) (Entered: 01/05/2005)
02/23/2005	14	NOTICE of Appearance by Daniel I. Smulow on behalf of Old Colony Correctional Center (Smulow, Daniel) (Entered: 02/23/2005)
02/24/2005	15	MOTION for Leave of Natalie S. Monroe to Withdraw as Attorney by Bernard Brady, Old Colony Correctional Center, FILED, c/s.(Boyce, Kathy) (Entered: 03/02/2005)
03/04/2005	16	ANSWER to Complaint by Old Colony Correctional Center, Bernard Brady.(Smulow, Daniel) (Entered: 03/04/2005)
03/04/2005	17	MOTION Set Briefing Schedule by Old Colony Correctional Center, Bernard Brady.(Smulow, Daniel) (Entered: 03/04/2005)
03/09/2005	18	Supplemental Answer by Bernard Brady to 1 Petition for writ of habeas corpus (28:2254, FILED. (large bound volume- not scanned) (Boyce, Kathy) (Entered: 03/10/2005)
03/17/2005	8	Judge Mark L. Wolf : Electronic ORDER entered granting 15 Motion to Withdraw as Attorney., granting 17 Motion for a briefing schedule (O'Leary, Dennis) (Entered: 03/17/2005)
04/15/2005	19	MEMORANDUM OF LAW by Old Colony Correctional Center, Bernard Brady to 1 Petition for writ of habeas corpus (28:2254). (Smulow, Daniel) (Entered: 04/15/2005)
04/18/2005	20	Letter dated 4/15/05 from Daniel I. Smulow to Ms. Thornston, Clerk enclosing copies of the transcripts cited in the respondent's memorandum in opposition electronically filed on 4/15/05, FILED. (Boyce, Kathy) (Entered: 04/20/2005)

04/18/2005	<u>21</u>	State Court Transcripts Cited in Respondent's Memorandum in Opposition to Habeas Corpus Petition, FILED. (Boyce, Kathy) (Entered: 04/20/2005)
12/29/2005	<u>22</u>	NOTICE issued to Attorney David B. Mark regarding mandatory use of ECF in compliance with Local Rule 5.4. Failure to comply may result in the imposition of sanctions. (Boyce, Kathy) (Entered: 12/29/2005)
12/12/2006	<u>23</u>	Judge Mark L. Wolf : ORDER entered. ORDER TO SHOW CAUSE Show Cause Response due by 1/15/2007.(O'Leary, Dennis) (Entered: 12/13/2006)
01/05/2007	<u>24</u>	RESPONSE TO ORDER TO SHOW CAUSE by Grayling Davis. (Fox, James) (Entered: 01/05/2007)
03/26/2007	<u>25</u>	Judge Mark L. Wolf : ORDER entered. MEMORANDUM AND ORDER. For the reasons discussed in this Memorandum, it is hereby ORDERED that the Petition For Habeas Corpus, (Docket No. 1), is DENIED.(O'Leary, Dennis) (Entered: 03/26/2007)
03/26/2007	<u>26</u>	Judge Mark L. Wolf : ORDER entered. JUDGMENT in favor of defendant against plaintiff(O'Leary, Dennis) (Entered: 03/26/2007)
03/29/2007	<u>27</u>	NOTICE OF APPEAL as to <u>25</u> Memorandum & ORDER, <u>26</u> Judgment by Grayling Davis NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 4/18/2007. (Fox, James) (Entered: 03/29/2007)
03/29/2007	<u>28</u>	MOTION for Leave to Proceed in forma pauperis (<i>Waive Appeal Filing Fees Only</i>) by Grayling Davis.(Fox, James) (Entered: 03/29/2007)
03/29/2007	<u>29</u>	MOTION for Certificate of Appealability by Grayling Davis.(Fox, James) (Entered: 03/29/2007)
03/29/2007	<u>30</u>	MEMORANDUM in Support re <u>29</u> MOTION for Certificate of Appealability filed by Grayling Davis. (Fox, James) (Entered: 03/29/2007)
04/09/2007	<u>31</u>	Judge Mark L. Wolf : ORDER entered denying <u>28</u> Motion for Leave to Proceed in forma pauperis without prejudice to renew within 30 days. [remark: blank COA application form sent to counsel].(PSSA, 1) (Entered: 04/09/2007)
04/09/2007	<u>32</u>	Judge Mark L. Wolf : MEMORANDUM and ORDER entered denying <u>29</u> Motion for Certificate of Appealability (O'Leary, Dennis) (Entered: 04/10/2007)